

Lauren S. Wulfe (SBN 287592)
ARNOLD & PORTER KAYE SCHOLER LLP
777 South Figueroa Street, Forty-Fourth Floor
Los Angeles, California 90017
Telephone: 213-243-4000
Facsimile: 213-243-4199
Lauren.Wulfe@arnoldporter.com

Paul W. Rodney (*admitted pro hac vice*)
ARNOLD & PORTER KAYE SCHOLER LLP
1144 15th Street, Suite 3100
Denver, CO 80202
Telephone: 303-863-1000
Facsimile: 303-832-0428
Paul.Rodney@arnoldporter.com

John C. Massaro (*admitted pro hac vice*)
Daphne O'Connor (*admitted pro hac vice*)
Jason A. Ross (*admitted pro hac vice*)
David E. Kouba (*admitted pro hac vice*)
ARNOLD & PORTER KAYE SCHOLER LLP
601 Massachusetts Ave, NW
Washington, DC 20001
Telephone: 202-942-5000
Facsimile: 202-942-5999
John.Massaro@arnoldporter.com
Daphne.OConnor@arnoldporter.com
Jason.Ross@arnoldporter.com
David.Kouba@arnoldporter.com

Angela R. Vicari (*admitted pro hac vice*)
ARNOLD & PORTER KAYE SCHOLER LLP
250 West 55th Street
New York, NY 10019
Telephone: 212-836-8000
Facsimile: 212-836-8689
Angela.Vicari@arnoldporter.com

Attorneys for Defendants Altria Group, Inc.,
Philip Morris USA Inc., Altria Client Services LLC,
Altria Group Distribution Company, and
Altria Enterprises LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: JUUL LABS, INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

Case No.: 19-MD-02913-WHO

**DECLARATION OF ANGELA R. VICARI
IN FURTHER SUPPORT OF ALTRIA'S
SUMMARY JUDGMENT MOTION**

This Document Relates to:

Pesce v. JUUL Labs, Inc., et al.

Case No. 3:20-cv-02658

1 I, Angela R. Vicari, declare and state as follows:

2 1. I am a partner at the law firm of Arnold & Porter Kaye Scholer LLP and am one of
3 the attorneys representing Altria Group, Inc., Philip Morris USA Inc., Altria Client Services LLC,
4 Altria Group Distribution Company, and Altria Enterprises LLC (collectively, "Altria"). I am an
5 attorney duly licensed to practice law in the State of New York and I have been admitted to appear
6 *pro hac vice* before the United States District Court for the Northern District of California in this
7 matter. I make this declaration in further support of Altria's Motion for Summary Judgment as to
8 Plaintiff Pesce. I have personal knowledge of the facts stated below and, if called upon, could and
9 would testify competently thereto.

10 2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpted pages of the
11 February 16, 2022 Summary Judgment Hearing Transcript in the *Bain* action.

12 3. Attached hereto as **Exhibit 2** is a true and correct copy of the January 2, 2020 FDA
13 Press Release entitled "FDA finalizes enforcement policy on unauthorized flavored cartridge-based
14 e-cigarettes that appeal to children, including fruit and mint," located on the FDA's website at
15 [https://www.fda.gov/news-events/press-announcements/fda-finalizes-enforcement-policy-](https://www.fda.gov/news-events/press-announcements/fda-finalizes-enforcement-policy-unauthorized-flavored-cartridge-based-e-cigarettes-appeal-children)
16 [unauthorized-flavored-cartridge-based-e-cigarettes-appeal-children](https://www.fda.gov/news-events/press-announcements/fda-finalizes-enforcement-policy-unauthorized-flavored-cartridge-based-e-cigarettes-appeal-children).

17 4. Attached hereto as **Exhibit 3** is a true and correct copy of Plaintiff Roberto Pesce's
18 LinkedIn profile, which was collected at my direction on April 27, 2022.

19
20 Dated: May 13, 2022

Respectfully submitted,

21 ARNOLD & PORTER KAYE SCHOLER LLP

22
23 By: /s/ Angela R. Vicari

24 Angela R. Vicari (*admitted pro hac vice*)
25 250 West 55th Street
26 New York, NY 10019
27 Telephone: 212-836-8000
28 Facsimile: 212-836-8689
Angela.Vicari@arnoldporter.com

CERTIFICATE OF SERVICE

I, Angela R. Vicari, hereby certify that on the 13th day of May, 2022, I caused to be electronically filed the foregoing **DECLARATION OF ANGELA R. VICARI IN FURTHER SUPPORT OF ALTRIA'S MOTION FOR SUMMARY JUDGMENT** with the Clerk of the United States District Court for the Northern District of California using the CM/ECF system, which shall send electronic notifications to all counsel of record.

By: /s/ Angela R. Vicari
Angela R. Vicari (*admitted pro hac vice*)
ARNOLD & PORTER KAYE SCHOLER LLP
250 West 55th Street
New York, NY 10019
Telephone: 212-836-8000
Facsimile: 212-836-8689
Angela.Vicari@arnoldporter.com